

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
vs.)	Case Number. 18-CR-30031-MJR
)	
EVELYN JEAN JOHNSON,)	
)	
Defendant.)	

MOTION TO STRIKE

The United States of America, by Donald S. Boyce, United States Attorney for the Southern District of Illinois, and Norman R. Smith, Assistant United States Attorney, herein submit the Government's Motion to Strike Defendant Evelyn Johnson's Motion to Dismiss and states as follows:

1. On June 18, 2018, the defendant filed a pro se "Motion to Dismiss with Prejudice for Lack of Jurisdiction" in spite of being represented by counsel. [Doc. 36].

2. On April 20, 2018, this Court concluded that defendant does not meet the requirements under *Faretta* to represent herself and ordered Assistant Federal Defender Tom Gabel to remain Counsel for Defendant. [Doc. 28].

3. On May 29, 2018, in response to defendant's letters, this Court entered an order stating criminal defendants who are represented by counsel must communicate with the Court via counsel and therefore it would be inappropriate to take any action on defendant's correspondence. [Doc. 35].

4. The defendant does not have an affirmative right to submit the Motion to Dismiss pro se when represented by counsel and such arrangements are disfavored by this Court. *See U.S.*

v. Paterson, 576 F.3d 431, 436 (7th Cir. 2009), *citing U.S. v. Gwiazdzinski*, 141 F.3d 784, 787 (7th Cir. 1998), *and U.S. v. Chavin*, 316 F.3d 666, 672 (7th Cir. 2002).

WHEREFORE, the United States of America requests that this court issue an order striking defendant's pro se Motion to Dismiss.

Respectfully submitted,

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United States Attorney

s/Norman R. Smith
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I hereby certify that on June 19, 2018, I caused to be electronically filed:

MOTION TO STRIKE

with the Clerk of Court using the CM/ECF system which will send notification of such filing(s) to the following:

Thomas Gabel

Respectfully submitted,

DONALD S. BOYCE
United States Attorney

s/Norman R. Smith
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